

Special Planning/Zoning, Land Design & Development Meeting
Tuesday, August 11, 2009
9:15 A.M.
Third Floor, City Hall

Present: Chair: CM Owen
Vice Chair: CM Stuckel
Members: CM Ward-Pugh, and CM Heiner (Arrived at 9:18 a.m.)

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established.

Chairman Owen let the Committee know the answer to their question regarding how binding elements would be treated in regards to a specific development plan and would they follow the land if the plan expires. He stated from the memo received from the County Attorney, those Binding Elements go with the land and not just the sight. They would have to be renegotiated at the Planning Commission level if there was a need for change.

Theresa Senninger, Assistant County Attorney, stated even though the binding element was specifically for a certain building it still runs with the land. If the binding elements needed to be changed, they would have to go through the Planning Commission process.

O-123-07-09 AN ORDINANCE CHANGING THE ZONING FROM OR-2 OFFICE RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 2229 AND 2231 WEST MARKET STREET, CONTAINING A TOTAL OF 0.21 ACRES OF WHICH 0.09 ACRES IS SUBJECT TO THE CHANGE IN ZONING, AND BEING IN LOUISVILLE METRO (CASE NO. 11836).

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve made by Glen Stuckel and seconded by Hal Heiner.

Discussion: Charles Cash, Director, DPDS, spoke to the item. The Planning Commission hearing was held on July 2, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Green's District. A power point presentation was given. The following were items of discussion and concern:

- Existing structure will remain intact, with the exception of a dilapidated addition to the rear of the structure, which will be demolished.
- Expansion of center will be constructed on the vacant infill site to restore the street wall
- Will be run by Sister Visitors, which functions as a Community Ministry

This item was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Hal Heiner, Tom Owen, Glen Stuckel, Tina Ward-Pugh
Against: (None)
Abstain: (None)
Absent: Cheri Bryant Hamilton, Madonna Flood, Jon Ackerson

O-122-07-09 AN ORDINANCE CHANGING THE ZONING FROM OR-3 OFFICE RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 9409 CEDARLOOK DRIVE, CONTAINING A TOTAL OF 0.9 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11944).

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve made by Glen Stuckel and seconded by Tina Ward-Pugh.

Discussion: Charles Cash, Director, DPDS, spoke to the item. The Planning Commission hearing was held on July 2, 2009. One spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. A power point presentation was given. The following were items of discussion and concern:

- Neighborhood Level Activity Center
- Mixed-use music store/dance instruction studio and veterinary hospital
- Parking
- Signature Entry will be restored by the Applicant
- Screening
- Existing veterinary hospital with be sound proofed
 - No boarding of animals
 - No outdoor kennels
- Storm water drainage
- Grating of the ditch

Chairman Owen stated that he had spoken with Councilman Engel, and Councilman Engel is supportive of this project.

This item was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Hal Heiner, Tom Owen, Glen Stuckel, Tina Ward-Pugh

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Madonna Flood, Jon Ackerson

[O-121-07-09 AN ORDINANCE AMENDING CHAPTER 1, PART 1 OF THE LAND DEVELOPMENT CODE PERTAINING TO EXPIRATION OF APPROVED DEVELOPMENT PLANS \(CASE NO 12895\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Kelly Downard
Tom Owen

Motion to Approve made by Tina Ward-Pugh and seconded by Glen Stuckel.

Discussion: Charles Cash, Director, DPDS, spoke to the item. The Planning Commission hearing was held on July 2, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. A power point presentation was given.

The following were items of discussion and concern:

- Request was made by the Committee for this by a resolution
- Extension of the expiration of a development plan
- Modification of Chapter 1 of the Land Development Code
- Extend plans that have already been approved to June 30, 2010
- Covers a range of plans
- Other cities around the country are doing the same thing
- Plans are usually for 2 years and now will be 4 years between April 1, 2007 through January 30 2010
- This is not a permanent change

This item was sent to **Old Business due to an abstention from Councilman Heiner**.

VOTING RESULTS: For: 3; Against: 0; Abstain: 1; Absent: 3

For: Tom Owen, Glen Stuckel, Tina Ward-Pugh

Against: (None)

Abstain: Hal Heiner

Absent: Cheri Bryant Hamilton, Madonna Flood, Jon Ackerson

[R-101-06-09 A RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO THE COUNCIL ON AN AMENDMENT TO SECTION 4.4.1 OF THE LAND DEVELOPMENT CODE CONCERNING PORTABLE STORAGE DEVICES.](#)

Status: In Committee - Tabled
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: James Peden

Discussion: This item was **Held in Committee**.

[O-111-07-09 AN ORDINANCE AMENDING APPENDICES C AND D OF CHAPTER 162 OF THE LOUISVILLE METRO CODE OF ORDINANCES, PERTAINING TO OVERLAY DISTRICTS, TO ADOPT A REVISED AND UPDATED CHARACTER AND GOALS STATEMENT AND GUIDELINES FOR THE DOWNTOWN OVERLAY DISTRICT.](#)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: David Tandy

Motion to Approve made by Tina Ward Pugh and seconded by Glen Stuckel.

Discussion: David Marchal, Urban Design Administer for the Downtown Overlay Program, DPDS, and Charles Cash, Director, DPDS, were present to speak and answer questions. A power point presentation was given (Attached). The following were items of discussion:

- Since 1992 there has been only one set of guidelines and they have not been updated since
- Explanation of an Overlay District and brief history of the Overlay Districts
- Process Review
 - Strictly reviews exterior changes
 - Does not review ordinary repairs
 - Does not review removal of Signage, temporary Signage or re-facing of signage
 - Does not review emergency repairs or interior alterations
 - Does not review use
 - Vast majority of reviews are performed at the staff level
 - Committee Reviews are open to the public
 - Notification of public hearings
- Downtown Character & Goals
- Updated to reflect Downtown Plan of 2002
- Cornerstone 2020
- Metro Louisville Land Development Code
- Identifies areas of Distinct Character
- Identifies those common urban design themes that define Downtown as distinct are of the Community
- Principles and Design Guidelines
- Why revise the Guidelines
 - Main reason is because current guidelines can be vague and uninformative
- Key Revision Ideas
- All of Downtown is an Entertainment District
- Public Input
 - 4 public meetings with focus groups of downtown property owners, property managers, business owner, developers, and architects
- Downtown Development Corporation
- Mayor's Committee on Public Art and Amenities

- Nine Principles
 - Site Planning
 - Building Massing
 - Building to Context
 - Building to Pedestrian
 - Parking, Vehicular Use and Access
 - Open Space
 - Street and Sidewalk Character
 - Signage
 - Public Art

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Hal Heiner, Tom Owen, Glen Stuckel, Tina Ward-Pugh

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Madonna Flood, Jon Ackerson

Charles Cash spoke regarding regulating storage containers. He stated that he thought there would be difficulty in the regulation of storage containers. It will become a property maintenance question that the inspectors will have to deal with. It is a valid issue. The Land Development Code may not be the appropriate place but it's perhaps the best vehicle to be had.

[R-121-07-09 A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION ON A REQUEST TO CHANGE THE NAME OF 34TH STREET, FROM ITS INTERSECTION WITH BROADWAY RUNNING SOUTHWARD TO ITS INTERSECTION WITH ALGONQUIN PARKWAY, TO LOUIS COLEMAN, JR. BOULEVARD.](#)

Status: In Committee - Held

Discussion:

Discussion: This item was **Held in Committee**.

Motion to adjourn made by Hal Heiner and seconded by Tina Ward-Pugh. Without objection the meeting adjourned at 10:15 A.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on August 13, 2009.**

KQG